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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**MAILED**

Application Number: 10/099,853  
Filing Date: March 13, 2002  
Appellant(s): SALMI ET AL.

**FEB 04 2008**

**Technology Center 2100**

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Francis J. Maguire  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/3/07 appealing from the Office action mailed 2/15/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,301,609 B1	Aravamudan	9-1999
2002/0006803 A1	Mendiola	5-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-12, 14-19, 21-26, 28-32, 34-39, 41-46, 48-53, 55-59, 61-62, 64-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan Patent No. 6,301,609 B1. Aravamudan teaches the invention as claimed including assignable associate priorities for user-definable instant messaging buddy groups (see abstract).

3. As to claim 1, Aravamudan teaches a method comprising by:

providing said primitive with an information element identifying a client of said terminal device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the method of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

providing said primitive identifying said client also with an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the method

of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

4. As to claim 2, Aravamudan teaches the method as recited in claim 1, wherein said primitive is an update presence primitive for use in communicating presence information to said network (col 6, lines 18-31; Aravamudan discloses that the method of updating the personal and rule database base on the client's Internet addresses and personally defined).

5. As to claim 3, Aravamudan teaches the method as recited in claim 1, wherein said primitive is an unsubscribe presence primitive for communicating a request to said network to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the method of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

6. As to claim 4, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group to said network (col 7, lines 41-49; Aravamudan discloses that the method of determine the time when the user is inactive or disconnect in a period of time).

7. As to claim 5, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a create group primitive for communicating a request to create a group to said network (col 6, lines 58-63; Aravamudan discloses that the method of creating the buddy group for the user which includes the user's CPE and CSP identity).

8. As to claim 7, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a get group information primitive for communicating a request for group

information to said network (col 9, lines 45-57; Aravamudan discloses that the method of creates buddy groups and defines specific attributes to associates included within each group).

9. As to claim 8, Aravamudan teaches the method as recited in claim 1, comprising:

providing said primitive with an information element identifying a client of another terminal device (figure 2; Aravamudan discloses that the method of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

providing said primitive with an information element identifying a user of said client of said another terminal device (figure 4; Aravamudan discloses that the method of providing the information which identify the user selects service which registers name and password).

10. As to claim 9, Aravamudan teaches the method as recited in claim 8, wherein said primitive is a get presence primitive for communicating a request for presence information to said network (col 6, lines 33-44; Aravamudan discloses that the method of providing the new user in accordance with the principles of the present invention which prompted for and selects password).

11. As to claim 10, Aravamudan teaches the method as recited in claim 8, wherein said primitive is a subscribe presence primitive for communicating a request to subscribe to presence information to said network (col 3, lines 37-41; Aravamudan discloses that the method of subscribe client's CPE for the Internet access service).

12. As to claim 11, Aravamudan teaches the method as recited in claim 8, wherein said primitive is a message primitive for communicating a message to said network (col 8, lines 23-31; Aravamudan discloses that the method of conveys instant messages to one or more predetermined buddies of the user to indicate the off-line status or on-line status of the user).

13. As to claim 12, Aravamudan teaches the method as recited in claim 8, wherein said primitive is an invite user primitive for communicating a request to invite a user to said network (col 7, lines 33-40; Aravamudan discloses that the method of sending an instant message communicating the event and eliciting a user response to the client CPE device).

14. As to claim 14, Aravamudan teaches the method as recited in claim 1, wherein said at least one other entity is configured to user said information element identifying a client of said terminal device and said information element identifying a user of said client to distinguish said user and said client (figure 5; Aravamudan discloses that the method of identify the client device and the user which associate which each other).

15. As to claim 15, Aravamudan teaches a system comprising:

at least one terminal device for providing a primitive with an information element identifying a client of said terminal device and also with an information element identifying a user of said client (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the system of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

at least one other entity receiving said primitive provided over said network, and by using said information element identifying a client of said terminal device and said

information element identifying a user of said client to distinguish said user and said client (col 6, lines 45-53; Aravamudan discloses that the system of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

16. As to claim 16, Aravamudan teaches the system as recited in claim 15, wherein said primitive is an update presence primitive for use in communicating presence information to said network (col 6, lines 18-31; Aravamudan discloses that the system of updating the personal and rule database base on the client's Internet addresses and personally defined).

17. As to claim 17, Aravamudan teaches the system as recited in claim 15, wherein said primitive is an unsubscribe presence primitive for communicating a request to said network to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the system of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

18. As to claim 18, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group to said network (col 7, lines 41-49; Aravamudan discloses that the system of determine the time when the user is inactive or disconnect in a period of time).

19. As to claim 19, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a create group primitive for communicating a request to create a group to said network (col 6, lines 58-63; Aravamudan discloses that the system of creating the buddy group for the user which includes the user's CPE and CSP identity).



20. As to claim 21, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a get group information primitive for communicating a request for group information to said network (col 9, lines 45-57; Aravamudan discloses that the system of creates buddy groups and defines specific attributes to associates included within each group).

21. As to claim 22, Aravamudan teaches the system as recited in claim 15, wherein:  
said at least one terminal device is configured to provide said primitive with an information element identifying a client of another terminal device (figure 2; Aravamudan discloses that the system of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

an information element identifying a user of said client of said another terminal device (figure 4; Aravamudan discloses that the system of providing the information which identify the user selects service which registers name and password).

22. As to claim 23, Aravamudan teaches the system as recited in claim 22, wherein said primitive is a get presence primitive for communicating a request for presence information to said network (col 6, lines 33-44; Aravamudan discloses that the system of providing the new user in accordance with the principles of the present invention which prompted for and selects password).

23. As to claim 24, Aravamudan teaches the system as recited in claim 22, wherein said primitive is a subscribe presence primitive for communicating a request to subscribe

to presence information to said network (col 3, lines 37-41; Aravamudan discloses that the system of subscribe client's CPE for the Internet access service).

24. As to claim 25, Aravamudan teaches the system as recited in claim 22, wherein said primitive is a message primitive for communicating a message to said network (col 8, lines 23-31; Aravamudan discloses that the system of conveys instant messages to one or more predetermined buddies of the user to indicate the off-line status or on-line status of the user).

25. As to claim 26, Aravamudan teaches the system as recited in claim 22, wherein said primitive is an invite user primitive for communicating a request to invite a user to said network (col 7, lines 33-40; Aravamudan discloses that the system of sending an instant message communicating the event and eliciting a user response to the client CPE device).

26. As to claim 28, Aravamudan teaches a device wherein said device is configured to:  
provide said primitive with an information element identifying a client of said device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the device of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and by

provide said primitive also with an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the device of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

27. As to claim 29, Aravamudan teaches the device as recited in claim 28, wherein said primitive is an update presence primitive for use in communicating presence information to

said network (col 6, lines 18-31; Aravamudan discloses that the device of updating the personal and rule database base on the client's Internet addresses and personally defined).

28. As to claim 30, Aravamudan teaches the device as recited in claim 28, wherein said primitive is an unsubscribe presence primitive for communicating a request to said network to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the device of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

29. As to claim 31, Aravamudan teaches the device as recited in claim 28, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group to said network (col 7, lines 41-49; Aravamudan discloses that the device of determine the time when the user is inactive or disconnect in a period of time).

30. As to claim 32, Aravamudan teaches the device as recited in claim 28, wherein said primitive is a create group primitive for communicating a request to create a group to said network (col 6, lines 58-63; Aravamudan discloses that the device of creating the buddy group for the user which includes the user's CPE and CSP identity).

31. As to claim 34, Aravamudan teaches the device as recited in claim 28, wherein said primitive is a get group information primitive for communicating a request for group information to said network (col 9, lines 45-57; Aravamudan discloses that the device of creates buddy groups and defines specific attributes to associates included within each group).

32. As to claim 35, Aravamudan teaches the device as recited in claim 28, wherein said device is further configured to:

provide said primitive with an information element identifying a client of another device (figure 2; Aravamudan discloses that the device of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

provide said primitive with an information element identifying a user of said client of said another device (figure 4; Aravamudan discloses that the device of providing the information which identify the user selects service which registers name and password).

33. As to claim 36, Aravamudan teaches the device as recited in claim 35, wherein said primitive is a get presence primitive for communicating a request for presence information to said network (col 6, lines 33-44; Aravamudan discloses that the device of providing the new user in accordance with the principles of the present invention which prompted for and selects password).

34. As to claim 37, Aravamudan teaches the device as recited in claim 35, wherein said primitive is a subscribe presence primitive for communicating a request to subscribe to presence information to said network (col 3, lines 37-41; Aravamudan discloses that the device of subscribe client's CPE for the Internet access service).

35. As to claim 38, Aravamudan teaches the device as recited in claim 35, wherein said primitive is a message primitive for communicating a message to said network (col 8, lines 23-31; Aravamudan discloses that the device of conveys instant messages to one or more

predetermined buddies of the user to indicate the off-line status or on-line status of the user).

36. As to claim 39, Aravamudan teaches the device as recited in claim 35, wherein said primitive is an invite user primitive for communicating a request to invite a user to said network (col 7, lines 33-40; Aravamudan discloses that the device of sending an instant message communicating the event and eliciting a user response to the client CPE device).

37. As to claim 41, Aravamudan teaches the device as recited in claim 28, wherein said at least one other entity is configured to use said information element identifying a client of said terminal device and said information element identifying a user of said client to distinguish said user and said client (figure 5; Aravamudan discloses that the device of identify the client device and the user which associate which each other).

38. As to claim 42, Aravamudan teaches a server wherein the server is configured to:  
said primitive comprises with an information element identifying a client (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the server of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and by

an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the server of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

39. As to claim 43, Aravamudan teaches the server as recited in claim 42, wherein said primitive is an update presence primitive for use in communicating presence information

(col 6, lines 18-31; Aravamudan discloses that the server of updating the personal and rule database base on the client's Internet addresses and personally defined).

40. As to claim 44, Aravamudan teaches the server as recited in claim 42, wherein said primitive is an unsubscribe presence primitive for communicating a request to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the server of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

41. As to claim 45, Aravamudan teaches the server as recited in claim 42, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group (col 7, lines 41-49; Aravamudan discloses that the server of determine the time when the user is inactive or disconnect in a period of time).

42. As to claim 46, Aravamudan teaches the server as recited in claim 42, wherein said primitive is a create group primitive for communicating a request to create a group (col 6, lines 58-63; Aravamudan discloses that the server of creating the buddy group for the user which includes the user's CPE and CSP identity).

43. As to claim 48, Aravamudan teaches the server as recited in claim 42, wherein said primitive is get group information primitive for communicating a request for group information (col 9, lines 45-57; Aravamudan discloses that the server of creates buddy groups and defines specific attributes to associates included within each group).

44. As to claim 49, Aravamudan teaches the server as recited in claim 42, wherein said server is configured to:

an information element identifying another client (figure 2; Aravamudan discloses that the server of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and by

an information element identifying a user of said other client (figure 4; Aravamudan discloses that the server of providing the information which identify the user selects service which registers name and password).

45. As to claim 50, Aravamudan teaches the server as recited in claim 49, wherein said primitive is a get presence primitive for communicating a request for presence information (col 6, lines 33-44; Aravamudan discloses that the server of providing the new user in accordance with the principles of the present invention which prompted for and selects password).

46. As to claim 51, Aravamudan teaches the server as recited in claim 49, wherein said primitive is a subscribe presence primitive for communicating a request to subscribe to presence information (col 3, lines 37-41; Aravamudan discloses that the server of subscribe client's CPE for the Internet access service).

47. As to claim 52, Aravamudan teaches the server as recited in claim 49, wherein said primitive is a message primitive for communicating a message (col 8, lines 23-31; Aravamudan discloses that the server of conveys instant messages to one or more predetermined buddies of the user to indicate the off-line status or on-line status of the user).

48. As to claim 53, Aravamudan teaches the server as recited in claim 49, wherein said primitive is an invite user primitive for communicating a request to invite a user (col 7, lines 33-40; Aravamudan discloses that the server of sending an instant message communicating the event and eliciting a user response to the client CPE device).

49. As to claim 55, Aravamudan teaches the server as recited in claim 42, wherein said server is configured to use said information element identifying a client of said terminal device and said information element identifying a user of said client to distinguish said user and said client (figure 5; Aravamudan discloses that the server of identify the client device and the user which associate which each other).

50. As to claim 56, Aravamudan teaches a physical device comprising:

various layers including a service capabilities layer responsive to various constituent information elements for combination into an outgoing primitive (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the device of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider),

said various constituent information elements including an information element identifying the client of said physical device and an information element separately identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the device of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

51. As to claim 57, Aravamudan teaches the device as recited in claim 56, wherein said primitive includes a request for a user identification, said user identification identifies a user



which is a destination of a requested operation (col 6, lines 18-63; Aravamudan discloses that the device of prompted the user to enter his/her user ID, password and registration ID).

52. As to claim 58, Aravamudan teaches the device as recited in claim 56, wherein said primitive further includes a request for a client identification, said client identification identifies a client of the user (col 6, lines 18-63; Aravamudan discloses that the device of prompted the user to enter his/her user ID, password and registration ID).

53. As to claim 59, Aravamudan teaches a system for communicating information, comprising:

means for providing said primitive with an information element identifying a client of said terminal device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the system of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

means for providing said primitive also with an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the system of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification),

means for receiving said primitive provided by said terminal device over said network (col 6, lines 33-44; Aravamudan discloses that the system of providing the new user in accordance with the principles of the present invention which prompted for and selects password),

wherein said information element identifying said client of said terminal device and said information element identifying said user of said client are used by the at least one other entity to distinguish said user and said client (figure 5; Aravamudan discloses that the system of identify the client device and the user which associate which each other).

54. As to claim 61, Aravamudan teaches a device for communicating identification information comprising:

means for providing said primitive with an information element identifying a client of said device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the device of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

means for providing said primitive also with an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the device of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

55. As to claim 62, Aravamudan teaches the device as recited in claim 61, wherein:

means for providing said primitive with an information element identifying a client of another device (figure 2; Aravamudan discloses that the device of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

means for providing said primitive with an information element identifying a user of said client of said another device (figure 4; Aravamudan discloses that the device of

providing the information which identify the user selects service which registers name and password).

56. As to claim 64, Aravamudan teaches a server for communicating comprising:

an information element identifying a client of a terminal device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the server of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

an information element identifying a user of said client (col 6, lines 45-53;

Aravamudan discloses that the server of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

57. As to claim 65, Aravamudan teaches the device as recited in claim 64, comprising:

an information element identifying another client (figure 2; Aravamudan discloses that the device of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

an information element identifying a user of said other client (figure 4; Aravamudan discloses that the device of providing the information which identify the user selects service which registers name and password).

58. As to claim 67, Aravamudan teaches method as recited in claim 1, wherein said information element identifying said client of said terminal device comprises a client name and a client address, said information element identifying said user of said client comprises

a user name and a user password (figure 4; col 6, lines 45-53; Aravamudan discloses that the method of selected password and registers the address of the user's Instant message server and provisions the client CPE software with a unique identification).

***Claim Rejections - 35 USC § 103***

59. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

60. Claims 6, 20, 33 & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan, Patent No. 6,301,601 B1 in view of Mendiola, Patent No. 2002/0006803 A1.

Aravamudan teaches the invention substantially as claimed including assignable associate priorities for user-definable instant messaging buddy groups (see abstract).

61. As to claim 6, Aravamudan teaches the method as recited in claim 1. But Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network.

However, Mendiola teaches method and system for inviting and creating accounts for prospective users of an instant messaging system (see abstract). Mendiola teaches

the limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

62. As to claim 20, Aravamudan teaches the system as recited in claim 15. But Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network.

However, Mendiola teaches the limitation wherein primitive is a delete group primitive for communicating a request to delete a group to said network (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

63. As to claim 33, Aravamudan teaches the device as recited in claim 28. But Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network.

However, Mendiola teaches the limitation wherein primitive is a delete group primitive for communicating a request to delete a group to said network (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

64. As to claim 47, Aravamudan teaches the server as recited in claim 42. But Aravamudan fails to disclose the claim limitation wherein said primitive comprise a delete group primitive for communicating a request to delete a group.

However, Mendiola teaches the limitation wherein primitive comprise a delete group primitive for communicating a request to delete a group (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be

motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

**(10) Response to Argument**

- Appellant argues that Aravamundan fails to disclose or suggest communicating a primitive from a terminal device to a network, and providing the primitive with an information element identifying a client and a separate information element identifying a user of the client.

Examiner respectfully disagrees. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing the primitive with an information element identifying a client and a separate information element identifying a user of the client) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). That feature is not in the claim limitation. The claim only discloses "providing said primitive with an information element identifying a client of said terminal device; and providing said primitive also with an information element identifying a user of said client". Aravamundan discloses "providing said primitive with an information element identifying a client of said terminal device" (col 3, lines 25-50; col 4, lines 65 - col 5, lines 13; Aravamundan discloses identifying a client of said terminal device from the client premises equipment (CPE), which includes

information to identify the client); and Aravamundan also disclose "providing said primitive also with an information element identifying a user of said client" (col 6, lines 45-63; Aravamundan discloses that the user from the client by recognized the registered address and identification from the user). Furthermore, Aravamundan also disclose the method of identifying the client from the CPE and also recognized the user from the software onto his/her CPE device (col 6, lines 45-63). There is nothing in the claim indicated "identify the user and client are provided in the same primitive and separate information". Therefore, Aravamundan meets the claim limitation.

- Appellant argues that Aravamundan does not disclose or suggest that the meaning of "client" as recited in claim 1 is distinct from the way the term is used in Aravamundan.

Examiner respectfully disagrees. As the applicant defined the Specification, an IM client is an implementation of the IM service which allows one or more IM users to access the service. The IM client may be hardware, software, firmware, or any combination thereof (page 5, paragraph 102). Aravamundan defined the client as the subscribing client and the client's CPE (figure 1 & 2; member 140). It's obvious to one of ordinary skill in the art would understand that the client disclosed in Aravamundan is hardware and physical devices (figure 1 & 2). Therefore, Aravamundan meets the claim limitation.



**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thuong (Tina) Nguyen

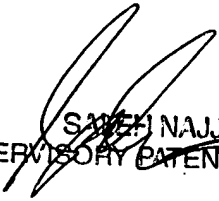
Examiner

Art Unit 2155

Conferees:

/Lynne H Browne/  
Lynne H. Browne  
Appeal Practice Specialist, TQAS  
Technology Center 2100

Saleh Najjar

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER